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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,260	11/29/2000	Masako Wakisaka	P107314-00017	8875

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EXAMINER

VU, NGOC K

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,260

Applicant(s)

WAKISAKA ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/16/03, 8/2/02 & 7/2/01
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: first embodiment is found in figures 1-3, second embodiment is found in figure 4.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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2. During a telephone conversation with Michelle Connell on October 01, 2004 a provisional election was made without traverse to prosecute the invention of second embodiment, claims 1 and 2. Affirmation of this election must be made by applicant in replying to this Office action. Claims 3-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

3. The drawings are objected to because: according to the specification on page 10, second paragraph, the decompressed character font data and figure bit map data are stored in the second area E2. Therefore, the label must be "data after decompression" at E2, not "data after compression" in figure 2a. Similarly, the label must be "data after decompression" at E1, not "data after compression" in figure 2b, according to the specification on page 13+, last paragraph.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant

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will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1 and 2 are objected to because of the following informalities: the phrase "hereinafter referred to as compressed character and figure data" in the parenthesis of claims 1 and 2 should be omitted and the term "the compressed character and figure data" in lines 13-14 of claim 1 and in lines 12-13 of claim 2 should be rewritten appropriately to clarify the limitation in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (US 6,515,680 B1).

Regarding **claim 2**, Hendricks discloses a digital television broadcasting receiver (set top terminal 220) comprising: a control section (microprocessor – see figures 5a-b) for controlling the whole of the receiver (set top terminal), and a program memory (e.g., memory

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628) comprising a nonvolatile memory (e.g., nonvolatile RAM or EPROM/EEPROM) for storing program data for the control section (it is noted that "program data" or instructions/routines for instructing the microprocessor on the location of each graphic file on the screen are stored in memory within the set top terminal 220, wherein the memory 628 within the set top terminal comprises non-volatile RAM or EPROM/EEPROM – see col. 19, lines 28-30; col. 42, lines 58-67; col. 19, lines 17-18) and character and figure data used for drawing various types of operation screens (graphical and textual components of menus are stored in the memory in the set top terminal, e.g., non-volatile RAM or EPROM/EEPROM – see col. 21, lines 28-32; col. 19, lines 28-30), wherein stored in said nonvolatile memory as the character and figure data used for drawing the operation screens are data obtained by compressing the character and figure data (it is noted that the graphical and textual components of menus in compressed format are stored in the memory in the set top terminal, e.g., non-volatile RAM or EPROM/EEPROM – see col. 42, lines 31-36; col. 19, lines 35-38), and the necessary ones of the compressed character and figure data are successively decompressed and used (the compressed graphical and textual components are decompressed and used to assist in creating the menus – see col. 19, lines 30-42; col. 43, lines 32-51).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 6,515,680 B1) in view of Ozawa et al. (US 5,978,012).

Regarding **claim 1**, Hendricks discloses a digital television broadcasting receiver (set top terminal 220) comprising: a control section (microprocessor – see figures 5a-b) for controlling the whole of the receiver (set top terminal), and a program memory (e.g., memory 628) comprising a nonvolatile memory (e.g., nonvolatile RAM or EPROM/EEPROM) for storing program data for the control section (it is noted that “program data” or instructions/routines for instructing the microprocessor on the location of each graphic file on the screen are stored in memory within the set top terminal 220, wherein the memory 628 within the set top terminal comprises non-volatile RAM or EPROM/EEPROM – see col. 19, lines 28-30; col. 42, lines 58-67; col. 19, lines 17-18) and character and figure data used for drawing various types of operation screens (graphical and textual components of menus are stored in the memory in the set top terminal, e.g., non-volatile RAM or EPROM/EEPROM – see col. 21, lines 28-32; col. 19, lines 28-30), and a volatile memory (e.g., RAM) storing various types of data (storing menu templates such as menu background, television logo, cursor highlight overlay...etc in volatile memory in the set top terminal 220 – see col. 11, line 63 to col. 12, line 6), wherein

stored in said nonvolatile memory as the character and figure data used for drawing the operation screens are data obtained by compressing the character and figure data (it is noted that the graphical and textual components of menus in compressed format are stored in the memory in the set top terminal, e.g., non-volatile RAM or EPROM/EEPROM – see col. 42, lines 31-36; col. 19, lines 35-38).

Hendricks further discloses that the compressed graphical and textual components are decompressed and used to assist in creating the menus (see col. 19, lines 30-42; col. 43, lines 32-51).

Hendricks does not explicitly teach that the compressed graphical and textual components are decompressed and expanded in the volatile memory at the time of initially starting the receiver.

However, Ozawa teaches that at the time of switching on the power supply or starting the program, unwinding (e.g., decompressing or expanding) the compressed extended function program stored in an EEPROM and then writing the unwound/decompressed extended function program in a RAM (see col. 5, lines 9-14 and 57-64). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Hendricks by decompressing and/or expanding the program in RAM at the time of starting the receiver or the power supply is switched on as taught by Ozawa in order to provide flexibility of reusing the storage of memory.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kitagawa et al. (US 6,078,541 A) disclose a controller for controlling the operation of the drive device.

Inoue et al. (US 6,580,462 B2) disclose a television receiver apparatus.

Hanaya et al. (US 6,519,009 B1) disclose a program switching device and a method for use in receiving a digital television broadcast based on EPG information.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
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October 12, 2004